

**AMENDED CLAIMS**

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original claims 1-33 replaced by amended claims 1-24 (5 pages)]

**CLAIMS**

1. A method for use in an upstream endpoint of a video distribution system, the method comprising:

5 receiving tuning data from at-least-one endpoint of the video distribution system, the tuning data representing programming that is currently being viewed at the at-least-one endpoint; and

adjusting programming to replace content as a function of the received tuning data;

10 wherein the tuning data is received via a modified form of IGMP (Internet Group Management Protocol) signaling and wherein the modified form of IGMP signaling includes a packet comprising downstream frequency information and packet identifier information representing the programming that is currently being viewed.

15 2. The method of claim 1, wherein the adjusting step replaces content that is not being viewed.

3. The method of claim 1, wherein the currently viewed programming is a video program.

20 4. The method of claim 1, wherein the video distribution system is a cable broadcast system.

25 5. The method of claim 1, wherein the adjusting step includes the steps of:  
determining from the received tuning data at-least-one program that is not being viewed;

disabling the transmission of the at-least-one program, the at-least-one program having associated therewith a first bandwidth; and

increasing a bandwidth allocation of another service of the video distribution system by using at least a portion of the first bandwidth.

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6. A method for use in an upstream endpoint of a video distribution system, the method comprising:

receiving tuning data from at-least-one endpoint of the video distribution system, the tuning data representing programming that is currently being viewed at the at-least-one endpoint; and

adjusting programming to replace content as a function of the received tuning data;

wherein the adjusting step includes the steps of

determining from the received tuning data at-least-one program that is not being viewed;

checking if the at-least-one program that is not being viewed is available for replacement before performing the replacing step; and

if the at-least-one program that is not being viewed is available for replacement, replacing the at-least-one program that is not being viewed with another program.

7. A method for use in an endpoint of a video distribution system, the method comprising:

determining programming that is currently being viewed; and

sending tuning data representing the currently viewed programming to an upstream distribution point;

wherein the sending step includes the step of sending the tuning data via IGMP (Internet Group Management Protocol) signaling and wherein the IGMP signaling includes a packet comprising downstream frequency information and packet identifier information representing the currently viewed programming.

8. The method of claim 7, wherein the video distribution system is a cable broadcast system.

9. The method of claim 7, wherein the endpoint is a set-top box.

10. The method of claim 7, wherein the step of determining includes:

receiving a channel selection from a user; and

tuning to the selected channel for providing the programming to the user.

11. A method for use in an endpoint of a video distribution system, the method comprising:

receiving a channel selection from a user;

determining if the selected channel is associated with replaced programming; and

5 if the selected channel is associated with replaced programming, providing filler content for display to the user instead of the replaced programming.

12. A method for providing a video broadcast service to a number of users, comprising:

10 identifying at least one program channel as a replaceable program channel; and

providing the replaceable program channel to the number of users, wherein the replaceable program channel may at times be replaced by content from another program channel as a function of the number of users that select the replaceable program channel.

15 13. The method of claim 12, wherein the replaceable program channel is replaced if the replaceable program channel is not selected by any of the number of users.

14. Apparatus for use in an upstream distribution point of a multi-media communications system, the apparatus comprising:

20 a receiver for receiving tuning data from at least one downstream endpoint of the multi-media communications system; and

a processor operative on the received tuning data for replacing content of a program channel that is not being viewed with new content;

25 wherein the tuning data is received via a modified form of IGMP (Internet Group Management Protocol) signaling and wherein the modified form of IGMP signaling includes a packet comprising downstream frequency information and packet identifier information representing the programming that is currently being viewed.

30 15. The apparatus of claim 14, further including a memory for storing a replaceable program channel list comprising a list of program channels and a respective current selection status, wherein the processor updates the current selection status in accordance with the received tuning data.

16. The apparatus of claim 15, wherein the processor checks the current selection status of the replaceable program channel list to determine if a program channel is not being viewed.

5           17. The apparatus of claim 14, wherein the upstream distribution point is a cable head-end.

18. The apparatus of claim 14, wherein the multi-media communications system is a cable broadcast system.

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19. Apparatus for use in an endpoint of a video distribution system, the apparatus comprising:

          a communications interface for coupling to a communications channel; and

          a processor for determining programming that is currently being viewed, and for  
15       sending tuning data representing the currently viewed programming via the communications interface for transmission over the communications channel to an upstream distribution point;

          wherein the processor causes the tuning data to be sent using IGMP (Internet Group Management Protocol) signaling and wherein the IGMP signaling includes a packet comprising downstream frequency information and packet identifier information representing  
20       the currently viewed programming.

20. The apparatus of claim 19, wherein the communications channel is a public-switched-telephone-network (PSTN).

25           21. The apparatus of claim 19, wherein the communications channel is a part of a cable broadcast system.

22. The apparatus of claim 19, wherein the endpoint is a set-top box.

30           23. The apparatus of claim 19, further comprising a remote interface for receiving a program channel selection from a user and for providing the program channel selection to the processor for use in determining the programming that is currently being viewed.

24. Apparatus for use in an endpoint of a video distribution system, the apparatus comprising:

a communications interface for coupling to a communications channel; and

5 a processor for determining if a program channel selection from a user is associated with replaced programming; and, if so, for providing filler content for display to the user instead of the replaced programming.